

REMARKS

With this amendment, claims 12-30, 34, 35, and 67-103 are pending.

Amendments to the Claims

Claim 22 was amended to replace the word "eh" with the word "the". This amendment was made to correct a typographical error.

Claim 104 was added to cover the embodiment of this invention where Z is any amino acid. Support for this new claim is found in the specification at pages 6-9, particularly at page 9, line 32.

Rejections under 35 USC § 112

In the Office Action, claims 12-22, 34, 35, and 67-103 were rejected as being indefinite under 35 U.S.C. § 112. The Office Action states that the structure depicted in claims 12 etc. causes the claims to be indefinite as to what metes and bounds are meant thereby because the two open bonds protruding to the left and right from the reiterated central structure can be reasonably interpreted to indicate that the claimed compound may be attached to other moieties without limitation.

Applicants respectfully submit that the claims, as presently written, are not unclear to one of ordinary skill in the art, because the practice of using open bonds protruding from brackets, in conjunction with a letter, e.g. "n", outside of the brackets, is known in the art to signify the presence of repeating units in a polymer.

Furthermore, the structure in claims 12 and 67 are polyamino acids, wherein Z groups (amino acids) are linked (via the protruding bonds) by peptide bonds and n can be 2 to 2000. It is readily known to one of ordinary skill in the art that polyamino acids have an amine terminus and a carboxy terminus. Applicants submit that the structures of claims 12 and 67 would be reasonably interpreted by one of ordinary skill in the art as polyamino acids having amino and carboxy termini.

Similarly, the structure of claims 15 and 81 are polysaccharides, where each Z is a monosaccharide and Z groups are linked by glycosidic bonds. It is readily known to one of

ordinary skill in the art that polysaccharides have terminal hydroxyl groups. Applicants submit that the structures of claims 15 and 81 would be reasonably interpreted by one of ordinary skill in the art as polysaccharides having hydroxy termini.

Applicants believe that the arguments above are sufficient to clarify the metes and bounds of the claims, as requested in the Office Action. Applicants respectfully request that this rejection be withdrawn.

Rejections under 35 USC § 102

In the Office Action, claims 12, 13, 21, and 34 were rejected under 35 U.S.C. § 102(b) as anticipated by the alanine-glycine containing peptides of the 1990 Sigma Chemical Catalog. The Office Action states that an example of one such compound is one where one Z is a methyl-lysine bound to a second Z that is non-alkylated histidine. The Office Action further states that a peptide made up of at least methyl-lysine and histidine anticipates the above listed claims because it is noted that other moieties may be present in the peptide of the claims due to the open bonds in the depicted structure, those bonds having been discussed in the Office Action as being vague and indefinite. In particular, the Office Action recites product C 9415 from the Sigma Catalogue, noting that other peptide options may be cited.

Applicants respectfully submit that questions regarding the structure of claim 12 as that of a polyamino acid where the amino acids are basic amino acids and the open bonds of the structure represent carboxy and amino termini have been addressed. Applicants argue that the structure of Sigma product C 9415 does not anticipate claim 12 because the polyamino acid of C 9415 contains non-basic amino acids (e.g. Proline). While C 9415 is a specific example of the compounds cited in the Office Action, a review of the Miscellaneous Peptides section of the 1999 Sigma Catalogue (the 1990 catalogue was not available in our office) cited in the Office Action does not reveal any peptides comprising only basic amino acids.

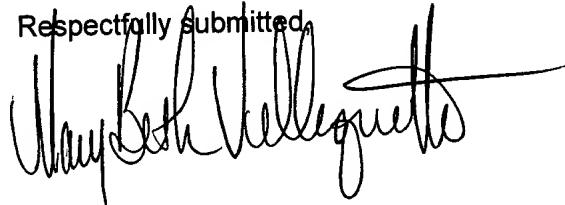
Because the compounds cited in the Office Action do not anticipate claims 12, 13, 21, and 34, applicants respectfully request that this rejection be withdrawn.

CONCLUSION

All rejections and objections of the claims are believed overcome. Reconsideration and withdrawal of the rejections and objections are respectfully requested. With this amendment, this application is believed to be in order for allowance and passage to issuance is respectfully requested.

This amendment is accompanied by a Petition for Extension of Time (one month) and a check in the amount of \$110.00 as required under 37 C.F.R. 1.17(a)(1) for a large entity. However, if the amount submitted is incorrect, please charge any deficiency, the fee for any additional extension of time needed, or credit any overpayment to Deposit Account No. 07-1969.

Respectfully submitted,



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Amended Claim - Version with markings to show changes made.

22. (Once amended) A method for transfecting a cell comprising the [eh] step of contacting the cell with a lipid aggregate comprising a nucleic acid and one or more compounds according to claim 12.